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EXAMINER

SIPPLE IV, EDWARD C

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,227	Applicant(s) YOUNG, JOEL K.	
	Examiner EDWARD C. SIPPLE IV	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/08/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 2 and 4-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/08/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims **1-2** and **4-31** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 4-6, 8, 9-19, 23-26, and 28-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap (Patent 6,763,377) in view of Zhu (US Patent 6,763,501).

For **Claim 1** Belknap teaches:

a system (Figure 1 with Column 8 Lines 12-15), comprising:

at least one video display (Col. 11 Lines 41-45; also Fig. 2 Element 62, and Col. 10 Lines 54-58);

at least one media server (Fig. 1 Elem. 14), each media server to communicate with one or more of the at least one video display (Col. 10 Lines 30-34; also Fig. 2 Elem. 62, and Col. 10 Lines 54-58);

at least one video file server (Fig. 1 Elem. 18), each video file server including a number of video files (Col. 8 Lines 31-34), each video file including

video content to be selectively displayed on the at least one video display (Col. 4 Line 67, and Col. 5 Lines 1-5);

a web client (Fig. 1 Elem. 12) to communicate with each video file server through a network (Fig. 1) to configure at least one playlist in the video file server (Fig. 32 Elem. 1200, also Col. 44 Lines 46-58), each playlist including at least one identifier to select one or more of the number of video files (Col. 5, Lines 6-9, also Fig. 32 Elements 1208 and 1214);

each video file server being configured to push video content (Fig. 32 Element 1240) from a selected video file in the video file server (Fig. 32 Elements 1208 and 1214) to a selected media server based on the playlist (Fig. 32 Elem. 1240); and

each media server to translate the pushed video content into a video output signal suitable for display on the video display (Col. 1 Lines 30-34, and Col. 8 Lines 66-67 through Col. 9 Lines 1-2).

Belknap does not expressly teach:

wherein each video file server includes a virtual display driver, that appears to be a video display to the video file server, to translate video content into application independent video content, thereby not requiring the media server to decode pushed video content;

Zhu teaches:

an application and document server (Fig. 2 Elements 106 and 216 with Col. 2 Lines 4-17) includes a virtual display driver (Fig. 4 Elem. 406 with Col. 4

Lines 58-67 through Col. 5 Lines 1-3), that appears to be a video display to the server (Col. 5 Lines 65-67 through Col. 6 Lines 1-6), to translate video content into application independent video content (Col. 4 Lines 65-67, and Col. 5 Lines 1-7, note Zhu teaches using a virtual device to load a document to be sent to a client for viewing), thereby not requiring the media server (Fig. 1 Elem. 102) to decode pushed video content (Col. 6 Lines 20-25, note Zhu teaches that Elem. 102 passes documents directly between the server and client devices, with no teaching of decoding documents within Elem. 102)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a virtual display driver as taught by Zhu, within the video file server taught by Belknap, in order to provide ubiquitous access to media for multiple client devices (Zhu: Col. 1 Lines 59-64), by providing application independent video content that does not need to be decoded by a media server.

For **Claim 2**, beyond what was discussed in independent Claim 1, Belknap further teaches:

the system of Claim 1, wherein each media server further serves as a conversion agent to translate optionally pushed (Fig. 22 with Col. 32 Lines 23-26 and 48-56 describes optionally pushed media) application specific video content into a video output signal suitable for display (Col. 10 Lines 39-43, note Element 14 “natively understands the encoding format of the asset” implying appropriate conversion of application specific video to an appropriate display format).

For **Claim 4**, beyond what was discussed in independent Claim 1, Belknap further teaches:

each playlist further includes logical actions related to playing the files (Fig. 32 Element 1212, and Col. 44 Lines 46-53).

For **Claim 5**, beyond what was discussed in Claim 4, Belknap further teaches:

the logical actions execute in the video file server as a decision tree (Col. 44 Lines 46-57, note the multicasting commands downloaded to the media server [such as Element 864 in Fig. 32] are fundamentally encoded in software as a series of logical decisions, which can be interpreted as a decision tree).

For **Claim 6**, beyond what was discussed in Claim 5, Belknap further teaches:

the video server executes the at least one playlist based on the logical actions, and wherein the logical actions are configured at least in part by the web client (Col. 44 Lines 33-57).

For **Claim 8**, beyond what discussed in Claim 6, Belknap in view of Zhu teaches:

a video server which executes a playlist based on logical actions (Belknap: Col. 44 Lines 33-57)

The preceding combination of Belknap in view of Zhu does not teach:

the system of Claim 6, wherein logical actions further include inputs external to the video file server

However, Zhu also teaches:

a remote client can access and manipulate a media object being presented by an application on a remote server (Col. 2 Lines 26-51)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include inputs external to the media server as taught by Zhu, as logical actions controlling the execution of the playlist within the video file server taught by Belknap in view of Zhu, in order to manipulate the execution of the playlist from an external location.

For **Claim 9**, beyond what was discussed in Claim 4, Belknap further teaches:

the logical actions further include a timed duration of playing the files (Fig. 32 Element 1242; also Fig. 22 Element 814 and Col. 32 Lines 55-60; with Col. 41 Lines 20-23).

For **Claim 10**, beyond what was discussed in Claim 4, Belknap further teaches:

the logical actions further include a time to initiate playing the files (Fig. 32 Elements 1230 and 1236 and 1238, and Col. 42 Lines 35-38).

For **Claim 11**, beyond what was discussed in Claim 4, Belknap further teaches:

the logical actions further include a time to terminate playing the files (Fig. 22 Elements 814 and 866; also Fig. 24 with Col. 36 Lines 38-42; and Col. 41 Lines 20-23).

For **Claim 12**, beyond what was discussed in Claim 4, Belknap further teaches:

the logical actions further include a number of times to play the files (Fig. 32 Elements 1242, 860, 862, and Col. 33 Lines 11-15).

For **Claim 13**, beyond what was discussed in Claim 8, Belknap in view of Zhu teaches:

the system of Claim 8, wherein the inputs external to the video file server are mapped into application specific commands according to the format of the video file (Zhu: Fig. 2 Element 212 with Col. 4 Lines 33-39, and Col. 5 Lines 1-13)

For **Claim 14**, beyond what was discussed in independent Claim 1, Belknap further teaches:

the video file further includes audio content (Col.1 Lines 17-20, and Col. 8 Lines 30-35).

For **Claim 15**, beyond what was discussed in independent Claim 1, Belknap further teaches:

the video content includes any combination from the set of Power Point, J-Peg, Video Clip, or Web formats (Col. 8 Lines 30-35, note that web format includes html which is text based; also Col. 10 Lines 30-35).

For independent **Claim 16** Belknap teaches:

a video file server (Fig. 1 Elem. 18), comprising:
memory to store video files (Fig. 1 Elem. 22, also Col. 8 Lines 30-35) and at least one playlist (Col. 44 Lines 45-54), each video file including video content to be selectively displayed on at least one video display (Col. 4 Line 67, and Col. 5 Lines 1-5), each playlist including a list of identifiers for video files (Col. 5 Lines 6-9, also Fig. 32 Elements 1208 and 1214), a file server location of the video files (Col. 5 Lines 6-9; also Fig. 32 Elements 1202, 1204, 1208 and 1214; and Col. 44 Lines 45-54), and logical actions related to playing the

selected video content (Fig. 32 Element 1200, and Col. 44 Lines 45-54);
and

a processor executing application specific software to push the selected video content according to the playlist to at least one media server (Fig. 2 Elem. 14) for display (Col. 8 Lines 54-65; and Fig. 32 Element 1200, and Col. 44 Lines 45-54)

Belknap does not expressly teach:

wherein the processor includes a virtual display driver, configured to translate video content into application independent video content, thereby not requiring the media server to decode pushed video content;

Zhu teaches:

a software program running on a processor (Fig. 2 Elements 106 and 216, with Col. 4 Lines 53-57) includes a virtual display driver (Fig. 4 Elem. 406 with Col. 4 Lines 58-67 through Col. 5 Lines 1-3), configured (Col. 5 Lines 65-67 through Col. 6 Lines 1-6), to translate video content into application independent video content (Col. 4 Lines 65-67, and Col. 4-7, note Zhu teaches using a virtual device to load a document to be sent to a client for viewing), thereby not requiring the media server (Fig. 1 Elem. 102) to decode pushed video content (Col. 6 Lines 20-25, note Zhu teaches that Elem. 102 passes documents directly between the server and client devices, with no teaching of decoding documents within Elem. 102)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the virtual display driver taught by Zhu, within the video file server taught by Belknap, in order to provide ubiquitous access to media for multiple client devices (Zhu: Col. 1 Lines 59-64), by providing application independent video content that does not need to be decoded by a media server.

For **Claim 17**, beyond what was discussed in independent Claim 16, Belknap further teaches:

the video file server of Claim 16, wherein the processor is configured to optionally push (note in Fig. 22 that an operator has the option to selectively distribute media to specific viewers) application specific video content to the at least one media server for display (Col. 10 Lines 39-43, note Element 14 “natively understands the encoding format of the asset” implying appropriate conversion of application specific video to an appropriate display format).

For **Claim 18**, beyond what was discussed in Claim 16, Belknap in view of Zhu teaches:

the video file server of Claim 16, wherein the processor executes the at least one playlist based on logical actions (Belknap: Fig. 32 with Col. 41 Lines 4-9, and Col. 44 Lines 33-57)

The preceding combination of Belknap in view of Zhu does not teach:

the video file server of Claim 16, wherein the processor executes the at least one playlist based on logical actions and wherein the logical actions depend in part on inputs external to the video file server

However, Zhu also teaches:

a remote client can access and manipulate a media object being presented by an application on a remote server (Col. 2 Lines 26-51)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include inputs external to the media server as taught by Zhu, as logical actions controlling the processor in the execution of the playlist within the video file server taught by Belknap in view of Zhu, in order to facilitate the ability of a viewer to exercise control over the execution of the playlist from an external location.

For **Claim 19**, beyond what was discussed in Claim 18, Belknap in view of Zhu teaches:

the video file server of Claim 18, wherein the inputs external to the video file server are mapped into application specific commands according to the format of the video file (Zhu: Fig. 2 Elem. 212 with Col. 4 Lines 33-39, and Col. 5 Lines 1-13)

For **Claim 23** Belknap teaches:

a method of distributing video information, comprising:
from a first network location (Fig. 1 Element 12), configuring a playlist of video files (Fig. 32, also Col. 5 Lines 20-26 and Col. 44 Lines 38-57), the video files being stored in at least one second network location (Fig. 1 Elements 18 and 22; and Col. 8 Lines 30-35);

from the second network location, executing a playlist (Col. 44 Lines 49-57), wherein executing includes:

pushing the video content (Col. 8 Lines 54-58) to a third network location (Fig. 1 Elem. 14) according to the playlist (Col. 44 Lines 38-57); and

from the third network location, translating the video content into a video output signal suitable for display (Col. 8 Lines 66-67 through Col. 9 Lines 1-2, and Col. 10 Lines 30-35)

Belknap does not expressly teach:

executing a playlist from a second network location includes:

accepting application specific video content associated with a video file of the playlist and translating the video content to application independent video content and pushing the video content to a third network location according to the playlist

Zhu teaches:

a document server converting a document from its native form to another form suitable for serving the document (Fig. 2 Elements 102 and 106, with Col. 4 Lines 53-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transform media from a native format (which may not be compatible to the server's clients) into a format suitable for distribution, as taught by Zhu, in the media system taught by Belknap, in order to prevent a client device from being unable to display a non-supported media type.

For **Claim 24**, beyond what was discussed in independent Claim 23, Belknap further teaches:

executing the playlist further includes executing logical actions associated with initiation of display and termination of display of the video files (Fig. 32 Element 1242 and Col. 44 Lines 38-57; also Fig. 24).

For **Claim 25**, beyond what was discussed in Claim 24, Belknap in view of Zhu teaches:

the method of Claim 24, wherein executing logic actions includes the second location receiving external inputs that are mapped into application specific commands (Zhu: Fig. 2 Element 212 with Col. 4 Lines 33-39, and Col. 5 Lines 1-13, note Zhu teaches that a server maps commands to a specific application serving the media)

For **Claim 26**, beyond what was discussed in Claim 25, Belknap in view of Duso further teaches:

the method of Claim 25, wherein executing logic actions includes the second location receiving logic actions from the first location (Belknap: Fig. 32 Element 1200 and Col. 44 Lines 46-54).

For **Claim 28**, beyond what was discussed in independent Claim 23, Belknap further teaches:

the first network location includes a web client (Fig. 1 Elements 12 and 16, also Col. 5 Lines 10-34).

For **Claim 29**, beyond what was discussed in independent Claim 23, Belknap further teaches:

the second network location includes a video file server (Fig. 1 Elem. 18, also Col. 8 Lines 26-34).

For **Claim 30**, beyond what was discussed in independent Claim 23, Belknap further teaches:

the third location includes a media server (Fig. 1 Elem. 14, and Col. 8 Lines 66-67 through Col. 9 Lines 1-2, and Col. 10 Lines 30-43).

For **Claim 31**, beyond what was discussed in Claim 30, Belknap further teaches:

the first network location includes a computer (Fig. 1 Elem. 12, also Col. 10 Lines 43-67)

and configuring a playlist (Fig. 32 Element 1200) includes:

downloading an existing playlist from the video file server at the second network location to the computer (Col. 5 Lines 35-67);

editing the playlist (Col. 6 Lines 4-10); and

uploading the edited playlist from the computer to the video file server (Col. 44 Lines 38-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7, 20-22 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap (US Patent 6,763,377), in view of Zhu (US Patent 6,763,501), further in view of Duso (U.S. Patent 5,892,915).

For **Claim 7**, beyond what was discussed in Claim 6, Belknap in view of Zhu teaches:

logical actions controlling the execution of the playlist are configured using the web client (Belknap: Col. 44 Lines 33-57)

Belknap in view of Zhu does not expressly teach:

the system of Claim 6, wherein the logical actions are configured at least in part in real time by a user using the web client

Duso teaches:

an interface that allows a playlist to be edited after it has been uploaded to a video server (Col. 2 Lines 47-60)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the capability to configure playlists in real time as taught by Duso, within the video system taught by Belknap in view of Zhu, in order to make adjustments to a playlist that is executing.

For **Claim 20**, beyond what was discussed in Claim 19, Belknap in view of Zhu teaches:

a video file server (Belknap: Fig. 1 Element 18) with the ability to receive application specific commands (Zhu: Col. 5 Lines 1-4)

Belknap in view of Zhu does not expressly teach:

the video file server of Claim 19, wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist

Duso teaches:

application specific commands include:

Play, Restart and Pause (Duso: Col. 37 Lines 45-50, 57-60, and Col. 38 Lines 10-20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the application specific commands taught by Duso, within the video file server taught by Belknap in view of Zhu, in order to allow a viewer receiving pushed content to exercise control over the playback of said content.

For **Claim 21**, beyond what was discussed in Claim 20, Belknap in view of Zhu, further in view of Duso teaches:

inputs external to the video file server include messages received from the network (Duso: Col. 37 Lines 18-25).

For **Claim 22**, beyond what was discussed in Claim 20, Belknap in view of Zhu, further in view of Duso teaches:

the inputs external to the video file server (Duso: Col. 37 Lines 45-50, 57-

60, and Col. 38 Lines 10-20) include a prompt (Belknap: Col. 2 Lines 40-44).

For **Claim 27**, beyond what was discussed in Claim 25, Belknap in view of Zhu teaches:

executing logic actions includes the second location receiving external inputs that are mapped into application specific commands (Zhu: Fig. 2 Element 212 with Col. 4 Lines 33-39, and Col. 5 Lines 1-13, note Zhu teaches that a server maps commands to a specific application serving the media)

Belknap in view of Zhu does not expressly teach:

the method of Claim 25, wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist

Duso teaches:

application specific commands include:

Play, Restart and Pause (Col. 37 Lines 45-50, 57-60, and Col. 38 Lines 10-20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the application specific commands taught by Duso, within the method of distributing video information taught by Belknap in view of Zhu, in order to allow a viewer receiving pushed content to exercise control over said content.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,587,849 to Mason discloses:

presenting operations to a user that are available for a particular data type.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD C. SIPPLE IV whose telephone number is (571) 270-3414. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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03/25/08

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623